

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

08/05/05 PM 3:30

RECEIVED  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ROGER TANNER

CASE NO. 3:94CV7202

Plaintiff,

Vs.

DEFAULT JUDGEMENT

KEVIN McDONALD, et al.

Defendant,

Plaintiff requests the Clerk of Court enter this Default Judgement on the Declaration of Damages against the Defendant and represents that:

1. The complaint was filed April 22, 1994 stemming from acts of June 28 1989.
2. Service of process was accomplished with a copy of the Declaration of Damages. (See attachment)
3. A certified Default Judgement on the facts of this case was entered into the record in 1994.
4. Defendants have failed to plead or otherwise defend the action as provided for by Federal Civil Rule 55(b)(1). See attachment.
5. Defendants are not minors or incompetant person(s).
6. Answer date was 28 days from service..
7. The relief sought is as stated in the complaint.

  
Roger Tanner, Plaintiff

Rule 55. Default

(a) Entry.

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default.

(b) Judgment.

Judgment by default may be entered as follows:

(1) By the Clerk.

When the plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the clerk upon request of the plaintiff and upon affidavit of the amount due shall enter judgment for that amount and costs against the defendant, if the defendant has been defaulted for failure to appear and is not an infant or incompetent person.

ISSUED

FILED

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CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ROGER TANNER,

Plaintiff,

-vs-

KEVIN MCDONALD, et al.,

Defendant.

Case No. 3:94 cv 7202

JUDGMENT ENTRY

KATZ, J.

For the reasons stated in the Memorandum Opinion filed contemporaneously with this entry, IT IS HEREBY ORDERED, ADJUDGED and DECREED Plaintiff's renewed motion for default judgment (Doc. No. 34) is granted.

FURTHER ORDERED that judgment on the issue of damages is reserved until conclusion of the case.

  
\_\_\_\_\_  
DAVID A. KATZ  
U. S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ROGER TANNER

CASE NO. 3:94CV7202

Plaintiff,

Vs.

AFFIDAVIT OF ACCOUNTING  
OF DAMAGES

KEVIN McDONALD, et al.

I, Roger Tanner, being duly sworn, testify I am of sound mind and body, competent and of over the age of eighteen, do hereby swear that the following facts are true, correct, and not misleading in any way:

The Plaintiff affirms that in the Declaration of Damages the amount of \$697,825 is trebled as subscribed by law under the RICO Act. Title 18 U.S.C. Section 1961 et seq as stated in the original and amended complaint which amounts to \$2,093,475 as the principal before interest.

The Damages incurred as a result of an incidence that occurred on, before, and after June 28, 1989. The interest per year amounts to \$209,348 and the interest per day amounts to \$574 computed at 10% simple interest per year.

As the court has stated in memorandum opinion, Plaintiff seeks these damages exclusive of personal injury.

Interest per year	\$209,384	Trebled Damages	\$2,093,825
X 16 years	...\$3,349,568		
Interest per day	\$574		
X 23 days	....\$13,202	<u>Total interest</u>	<u>\$3,362,770</u>
		GRAND TOTAL	\$5,456,245

**FURTHER THE PLAINTIFF SAITH NAUGHT.**

  
\_\_\_\_\_  
Roger Tanner, Plaintiff

On this 21 day of JULY, 2005, before me, the undersigned, a Notary Public in and for OHIO (state), personally appeared the above-signed, known to me to be the one whose name is signed on this instrument, and has acknowledged to me that s/he has executed the same.

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**MARY A. SMITH**  
Notary Public, State of Ohio  
My Commission Expires March 24, 2010

CERTIFICATE OF SERVICE

I, Brett Allen, Kraft, do hereby swear under that penalty of perjury that I did personally serve William G. Johns a copy of the Default Judgement and the Affidavit of Accounting of Damages at 12 noon on July 27th, 2005, in Findlay, Ohio.

Brett Allen, Kraft  
Brett Allen, Kraft

**FURTHER I SAITH NAUGHT.**

On this 5<sup>th</sup> day of August, 2005, before me, the undersigned, a Notary Public in and for Wood Co. Ohio (state), personally appeared the above-signed, known to me to be the one whose name is signed on this instrument, and has acknowledged to me that s/he has executed the same.

Signed: Angela S. Whaley

Printed Name: Angela S. Whaley

Date: 08/05/2005

My Commission Expires: June 29, 2010



ANGELA S. WHALEY  
Notary Public, State of Ohio  
My Commission Expires  
June 29, 2010